

1998

Twenty-Third Annual Midwest Philosophy Colloquium, 1998-1999

University of Minnesota - Morris. Philosophy Department

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The Twenty-Third Annual Midwest Philosophy Colloquium

At the University of Minnesota, Morris

The Mentally Ill Offender

October 20, 1998, 8:00 p.m., First Lutheran Church, Morris

Jennifer Radden (University of Massachusetts, Boston)

"Multiple Selves and Culpability"

A distinguishing feature of multiple personality disorder is the occupation of the body of the afflicted person (the "multiple") by two or more "selves." Is this disorder an exculpatory factor in the legal arena? Within the dispositive constraints, the discourse of responsibility, and the retributive presuppositions imposed by that arena, Professor Radden will argue that it is not, and that the multiple deserves punishment for past wrongs even when those wrongs were the deeds of only one self.

April 13, 1999, 8:00 p.m., Federated Church, Morris

John Deigh (Northwestern University, Evanston)

"Moral Agency and Mental Illness"

Professor Deigh will speak on how mental illness figures in determining whether a mentally ill person who has committed a criminal act is morally responsible for that act. His thesis will be that the answer depends on the conception of moral agency that one accepts.

Newman Center
May 18, 1999, 8:00 p.m., ~~Assumption Church~~, Morris

Gary Watson (University of California, Irvine)

"Compulsion, Insanity, and Criminal Responsibility"

Professor Watson will explore either the idea of addiction as an excuse in criminal law, with particular attention to the evolving standards of mental illness, or the insanity defense.

(In addition to the evening talk, each speaker will also present a paper on the same day that his or her evening paper is scheduled, at 2:30 p.m., Prairie Lounge, UMM.)



The evening lectures are made possible by a grant from the Minnesota Humanities Commission in cooperation with the National Endowment for the Humanities and the Minnesota State Legislature, and the U.S. West Foundation.

Everyone is cordially invited to the second session of

THE TWENTY THIRD
MIDWEST PHILOSOPHY COLLOQUIUM

The Mentally Ill Offender

John Deigh

(Professor of Philosophy, Northwestern University, Evanston, IL)

Will Present

"Moral Agency and Mental Illness"

April 13, 8:00 p.m., Federated Church, Morris

Professor Deigh will address the following question: how does mental illness figure in determining whether someone, who is mentally ill and who has committed a criminal act, is morally responsible for that act? He will argue that the answer depends on what "conception of moral agency" one accepts. He will use the McNaghten rule and the landmark Durham case to explain the knowledge based and the causal based conception of moral agency. A conception of moral agency's consisting in the governance of feelings, emotions, or passion by reason (knowledge based) yields an answer, he proposes, like the McNaghten rule: to establish a defense on the grounds of insanity, it must be proven that at the time of committing the act, the accused was laboring under such a defect of reason as not to know the nature or quality of the act he was doing; or if he did know it, that he did not know what he was doing was wrong. A conception consisting in cooperation between forces of reason and desire or emotion (causal based), he argues, yields an answer like the landmark decision in the Durham case: for an insanity plea to be successful, the criminal act must have been the product of the accused's mental abnormality. So whereas the McNaghten rule focuses on knowledge, Durham focuses on causal production. Deigh suggests that the two conceptions come out of two major traditions in moral philosophy, and he will discuss them in this context.

Professor Deigh will also present a paper ("Emotion and the Authority of Law") at 2:30 p.m., Prairie Lounge, UMM, April 13. All are cordially invited.

This lecture is made possible by funding from the MINNESOTA HUMANITIES COMMISSION in cooperation with the National Endowment for the Humanities and the Minnesota State Legislature, the U.S. WEST FOUNDATION, and the OFFICE OF THE VICE CHANCELLOR OF ACADEMIC AFFAIRS AND DEAN, UMM.

Program Notes

We are very fortunate and tremendously pleased to have with us tonight:

John Deigh

Professor of Philosophy
Northwestern University, Evanston, IL

Professor Deigh will address the following question: how does mental illness figure in determining whether someone, who is mentally ill and who has committed a criminal act, is morally responsible for that act? He will argue that the answer depends on what "conception of moral agency" one accepts. He will use the McNaghten rule and the landmark Durham case to explain the knowledge based and the causal based conception of moral agency. A conception of moral agency's consisting in the governance of feelings, emotions, or passion by reason (knowledge based) yields an answer, he proposes, like the McNaghten rule: to establish a defense on the grounds of insanity, it must be proven that at the time of committing the act, the accused was laboring under such a defect of reason as not to know the nature or quality of the act he was doing; or if he did know it, that he did not know what he was doing was wrong. A conception consisting in cooperation between forces of reason and desire or emotion (causal based), he argues, yields an answer like the landmark decision in the Durham case: for an insanity plea to be successful, the criminal act must have been the product of the accused's mental abnormality. So whereas the McNaghten rule focuses on knowledge, Durham focuses on causal production. Deigh suggests that the two conceptions come out of two major traditions in moral philosophy, and he will discuss them in this context.

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Gary Watson

(Professor of Philosophy, University of California, Irvine, CA)

Will Present

"Compulsion, Insanity, and Criminal Responsibility"

May 18, 8:00 p.m., Newman Center, Morris

Professor Watson will explore the bearing of addiction upon criminal responsibility. Although addiction-based legal defenses are problematic in several respects, he will argue that the most plausible basis for a plea of this kind is to liken addiction to duress.

Doctor Watson will also present a paper ("Disordered Appetites") at 2:30 p.m., Prairie Lounge, UMM, May 18. All are cordially invited.

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Professor of Philosophy
University of California, Irvine, CA

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Bibliography

Gary Watson, "Free Agency," Journal of Philosophy 72 (1975): 205-20.

Gary Watson, "Responsibility and the Limits of Evil," in F. Schoeman (ed.), Responsibility, Character, and the Emotions: New Essays in Moral Psychology (Cambridge: Cambridge University Press, 1987).

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Kadri Vihvelin, "Stop Me Before I Kill Again," Philosophical Studies 75 (1994): 115-48.

Daniel Shapiro, "Against Mandatory Drug Testing," in S. Luper-Foy & C. Brown, (eds.), Drugs, Morality and the Law (New York: Garland Publishing, 1994), 301-17.

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